HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.16971 of 2007

Date: 09.08.2007

Between :

P.Subash Chandra Bose and others.

.....Petitioners

And

Divisional Forest Officer and others.

.....Respondents.

ORDER:

The petitioners obtained power supply connections to the borewells dug in their agricultural lands in survey No.367 of Madicherla Village, Krishna District. They state that the 3rd respondent is trying to disconnect the power supply, allegedly, on the instructions issued from the 2nd respondent to the effect that the petitioners encroached into the forest land. The petitioners challenge the action of the respondents.

Heard learned counsel for the petitioners, learned Government Pleader for Forests and learned Standing Counsel for respondents 2 and 3.

It is not in dispute that the petitioners were extended power supply through different Service Connections, after entering into an agreement with the 2nd respondent, and after being satisfied with their eligibility. It is stated that in the recent past, the District Collector appointed a Committee comprising of experts and during the course of verification, it emerged that the petitioners and several others encroached into vast extents of reserve forest. Obviously, with a view to remove encroachments from the forest land, the authorities of the Revenue and Forest Departments have persuaded respondents 2 and 3, to disconnect the power supply.

Even assuming that the petitioners encroached into the forest land, respondents 2 and 3 cannot straightaway disconnect the power supply. Clause 17.2 of General Terms and Conditions

of Supply mandates that whenever respondents 2 and 3 intend to disconnect power supply, on the ground that necessary permission was not obtained by the consumer, a show cause notice is to be issued. Admittedly, such a notice was not issued in the present case.

Hence, the writ petition is disposed of, directing that respondents 2 and 3 shall not disconnect the power supply to the petitioners, except by complying with the requirements under Clause 17.2 of General Terms and Conditions of Supply. There shall be no order as to costs.

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09.08.2007

kdl